

From Environmental Caucus  
Received 7/02/04

To: Paul Dabbs, DWR  
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Lisa Beutler

From: Environmental Caucus

Subject: Comments on Volume 1, Bulletin 160

July 2, 2004

Based on our review of the latest version of Volume 1 and the information that was discussed at the June 24 Advisory Committee Meeting, the following are our caucus comments for your consideration.

In the overall, we feel that the current B160 is a significant improvement over past Bulletins, primarily because of the Department's responsiveness and flexibility in developing the plan, because of the open, transparent and well-facilitated process that has been utilized, and because of the plan's emphasis on the role of water conservation in the state's future. However, we do believe that there are still significant oversights or omissions that need to be corrected prior to release of the draft for public review. These are as follows:

1. The current Recommended Actions and Implementation Plan have no priorities placed on them. As with any strategic plan, and with the current severe funding limitations placed on state agencies, priorities for implementation are a necessity to guide decision makers and investors in the plan. We recommend that, at the minimum, the highest priority recommendations and actions be identified, as we have seen in an earlier draft version of the plan.
2. We find the "Strategy Investment Options Table" in Chapter 1 confusing, in some points misleading, and at the least a large collection of judgment calls that are open to long debate. As recommended to you at the June 24 meeting, we suggest either eliminating the table or eliminating the middle columns identifying benefits of specific related to Resource Management Strategies. Text on strategies should discuss potential benefits and costs to be evaluated in preparing integrated management plans. If you feel the need to continue using a version of this table, it should reflect the priorities selected, as indicated above.
3. The subject of water quality, while dealt with in various parts of the Plan, has not been sufficiently highlighted as a potential threat to human health, the natural environment, and urban and industrial uses. There is increasing recognition that water quality is key to future water management. We also have several editorial suggestions:
  - Current Conditions # 6: (Comment: Considering the extent of the impaired waters 303(d) list, it is inaccurate to imply that water quality objectives are

met in most years.) From a statewide perspective, California meets many of its water management objectives in most years. However, water quality impairments are common in regions of intense urban and agricultural use. Even today, water supply and water quality challenges persist on local and regional levels.

- Future Uncertainties and Scenarios # 15: (Comment: rewrite the bold statement, as discussed at the AC meeting. Also see comments sent 6/24 by Yale.) Add an item “c”: Although we recognize that water quality plays a key role in water management for human health, use, and ecosystem quality, our information on pollutant sources and impacts is at this time insufficient to adequately respond to existing problems, let alone anticipate potential effects associated with future economic and population changes. There are major uncertainties regarding new contaminants introduced into our waters and occurring in drinking water.

We believe that more aggressive actions should be recommended related to cleanup of groundwater supplies, urban runoff and agricultural pollution and related to the need for more science to better understand the human health and ecosystem risks of contaminants. Please refer to our previous similar comments on this subject in our June 3 memo on the Implementation Plan and our February 20 comments on Chapter 1.

4. Similar to item #3 above, we believe that the subject of Climate Change, something that could be considered an impending crisis for California water management, has not been treated adequately as part of the Plan. We believe that a higher priority should be placed on recommendations for future actions and that Recommendation #9, which combines Climate Change with another unrelated subject (developing promising water technologies) should be separated into two recommendations in order to develop the proper emphasis on the subject of Climate Change. Please refer to our previous similar comments on this subject in our June 3 memo on the Implementation Plan
5. Although the subject of Pricing and Economics has been a prominent part of discussions with the Advisory Committee, there are no recommendations related to implementing differing pricing structures that could play a significant role in water conservation and in the usage patterns of California water. Although this subject is discussed as a Resource Management Strategy and there are good recommendations buried in this section of Volume 2, we believe that these recommendations are critical and should be part of the overall recommendations shown in the Strategic Plan (Chapter 1 and Executive Summary).
6. Similar to item #5 above, Ecosystem Restoration is presented as a Resource Management Strategy in Volume 2 and there are good recommendations shown in this section; however, with the recognition that Ecosystems Restoration has to be a significant part of any water plan and that the economic value of Recreation and Tourism is a dominant aspect of the state economy, Ecosystem Restoration

recommendations need to be a part of the overall recommendations shown in the Strategic Plan (Chapter 1 and the Executive Summary). The absence of recommendations on this subject is a major oversight.

7. As we discussed on June 24th, several improvements are necessary in the draft treatment of the Public Trust. Recommended Action #10 should read “explicitly consider public trust values...and protect public trust uses whenever feasible” rather than “explicitly consider...TO protect”, since consideration by itself is not protection. The Recommended Action should have a place among the Key Themes, and it should be recognized as related to Goals #2 and #5 as well as Goal #4 in the table of Goals, Objectives, and Related Recommendations. Chapter 5 should plan for the recommended consideration, protection, and continuous supervision of trust resources and uses; the Public Trust responsibilities of State Agencies are already summarized in the box prepared for State Roles in the January Draft, and development of a methodology for evaluating responsibilities cannot be regarded as implementation of the Recommended Action. In addition, the notion that the public trust obligation runs to future generations, and that it includes an obligation not to compromise the management options of future trustees (very important in streamlined regulation of water transfers) should be incorporated into the background statement in Chapter 2. These are important components of the public trust. Please refer to our previous similar comments on this subject in our June 3 memo on the Implementation Plan and our February 20 comments on Chapter 1.
8. We will continue to remind you that Agricultural Water Use “Efficiency” savings that amount to 1/60<sup>th</sup> of the use of water by the state’s largest water consumer still does not pass the public’s “giggle test.” Despite CALFED’s studied numbers, the state at some point will need to face up to more aggressive actions to reduce water consumption by the agricultural industry.
9. Although over allocation of most of California’s rivers and streams is recognized and discussed in Chapter 2, it does not show up in any of the Findings or Recommendations. Similar to agricultural water use, the subject needs insightful recommendations if this Plan is to be considered a comprehensive document.
10. We find Finding #6 to be misleading and we are concerned with the tone of this paragraph as it is currently written. “More water is dedicated today to restore ecosystems....” Compared to what? It would be more accurate to state, “a slightly larger amount of the 43 MAF of water that is removed from our ecosystems is now being returned to mitigate for the adverse impacts of that removal.” The second phrase which states that: “some environmental requirements are not always met” is also misleading. A more accurate statement might be: “many (or most) environmental water requirements are not met.”

We would like to suggest that Finding #6c read as follows: Although a sizeable amount of water is dedicated to restore ecosystems, many environmental

requirements are not always met. Significant scientific advancement is taking place, and while we may never fully understand ecosystem needs and their response to flows, in places where ecosystem needs are being incorporated into water management operations we're seeing positive results.

11. As stated in our June 3 comments on the Implementation Plan, while we are pleased with the Implementation Plan as part of Volume 1, we find too many instances where the plan is to "develop a plan." We feel that the public will be critical of a good effort and will ask the obvious question of "Where's the plan?" Our June 3 recommendation to you was to develop one or two implementation plans as samples and we now repeat that thought for your consideration.
12. We suggest that Finding #15 be modified as follows: Based on current trends, California's average-year water demand could increase between X.X million and X.X million acre-feet by 2030. This additional water would serve 14 million more Californians, and maintain current trends in California's economy and agricultural industry, environmental restoration and water quality objectives, and groundwater overdraft.
13. We think it would be appropriate to repeat the lack of understanding of ecosystem needs and flow responses discussed in Current Conditions #6c should be repeated in the Future Uncertainties and Scenarios section.

The environmental flow objectives provided to you by Environmental Defense were explicitly incomplete. We need to flag this problem, consider how it might be addressed in the scenarios, and also whether additional future recommendations are needed. The uncertainty issues are many— including (not limited to) lack of baseline flow data, to lack of baseline bio-inventories, lack of agreement (among resource agencies and others) as to appropriate and wise approach to setting flow objectives, and inadequate understanding of flow response. To elaborate on the different considerations in setting flow objectives, some are more specific-species based, others more focused on restoring a defined set of riverine/floodplain functions.

14. As discussed at the June 24 meeting, we believe that Recommendation #1, Item #1 should be changed from "*increase* water storage" to "*utilize* water storage." "Increasing" water storage is not justified based on this Plan.

In the Implementation Plan related to Recommendation #1, the fourth bullet should include ecosystem restoration as part of the supported list of actions. The last bullet should end with the following: "... local strategies that have broad public benefits..... *are cost-effective, and are environmentally and socially responsible.*"

15. We suggest that the Implementation Plan Recommendation #2 Action Plan be modified as follows: Local governments and agencies improve coordination

between land use planning with water planning and management to ensure that that new infrastructure has adequate *and sustainable* water supply *that does not jeopardize environmental resources*.

16. Implementation Plan Recommendation #3 should be modified as follows in the second bullet: add a reference to assessing environmental flows or natural infrastructure protection or add another bullet that states: *DWR will work together with DFG and SWRCB to publish comprehensive assessments of ecosystem in-stream flow needs on California rivers*. The assessments should identify bodies of water that need improved flows. Intended Outcomes should also include: *Assessment of ecosystem in-stream flow needs on California rivers*.

On the subject of instream flows, we suggest that Implementation Plan Recommendation #8 have the following bullet added to the Action Plan:

- *DWR will work together with DFG and SWRCB to publish comprehensive assessments of ecosystem in-stream flow needs on California rivers. The assessments should identify bodies of water that need improved flows.*
17. Implementation Plan Recommendation #5 points up the question of how the state will maintain it's natural infrastructure. We recommend an additional Recommended Action on *Maintaining California's Natural Infrastructure*. If that is not feasible we suggest expanding Recommendation #5 to include the natural infrastructure. We suggest the following modifications to the Action Plan:
- Develop a plan to replace and/or rehabilitate those portions of the SWP that are reaching the end of their design life by December 2006. *Include measures to correct environmentally damaging features (or protect the natural infrastructure) where feasible.*
  - *DWR, with the Department of Conservation and the Department of Fish and Game, should investigate and resolve key issues regarding long-term coarse sediment supplies for ecosystem needs. Feasible improvements to facilities that will resolve sediment issues should be implemented along with other maintenance.*
18. In Table 1-xx Goals, Objectives and Related Recommended Actions, we suggest the following improvements:

- Add an Objective 2 h, as follows: *State conducts an assessment of ecosystem flow needs and opportunities for restoring more natural flow patterns. State leads an effort to implement the most effective actions identified that includes monitoring of results and adaptive management.*
- Revise Goal 4 as follows: *Land and water development patterns protect, preserve and enhance environmental and agricultural resources.*
- Modify Goal 4 a, as follows: *Local governments and agencies improve coordination between land use planning with water planning and*

management to ensure that new infrastructure has adequate water supply *without unduly compromising environmental health.*

- Modify Goal 4 b, as follows: DWR and other State agencies explicitly consider *and protect* public trust values in the planning and allocation of water resources whenever feasible.

Since we are now down to the final stages of this draft and since there are no planned Advisory Committee meetings until November, we request that you please respond promptly to the above points, indicating to our caucus what modifications you will make based on these important requests of ours.

A handwritten signature in black ink, reading "Nick DiCroce". The signature is fluid and cursive, with a large, stylized initial "N" that loops around the first part of the name.

For the Environmental Caucus